

Chapter 9.44**INTOXICATED AND DISORDERLY PERSONS**

(72-3/11, 407-2/38, 508-4/47, 3291-8/95, 3363-7/97, 3434-9/99)

Sections:

- 9.44.010 Drinking in public places
- 9.44.015 Regulation of alcohol consumption on or about Independence Day
- 9.44.020 Disorderly houses
- 9.44.030 Complaints--Previous convictions
- 9.44.040 Repealed--3363-7/97

9.44.010 General: Drinking in public places. No person shall drink any malt, spirituous or vinous liquor containing more than one-half of 1 percent of alcohol by volume, upon any public streets, alleys, sidewalks, parkways, playgrounds, parking lots open to the public, public parks, public school grounds, and public recreation areas within this city, unless such person is on any place for which a conditional use permit or special permit has been issued by the City of Huntington Beach permitting alcohol consumption. (72-3/11, 407-2/38, 3363-7/97, 3434-9/99)

9.44.015 Regulation of alcohol consumption on or about Independence Day.**(a) Consumption in public--prohibited**

In those areas of the city and on those dates set forth in Section (b) below, no person shall drink, or otherwise consume, any malt, spirituous or vinous liquor or beverage of any nature containing more than one-half of 1 percent of alcohol by volume, upon any public street, alley, sidewalk, path, parkway, park, beach, pier, parking lot or parking facility or on any public place, unless such person is upon any place for which a conditional use permit or special permit has been issued by the City of Huntington Beach permitting alcohol consumption. This ordinance shall also apply to lawful occupiers and their invited guests who consume alcohol in a public place as defined in Huntington Beach Municipal Code Section 9.44.015(c) below.

- (b) This section shall only be in effect between 12:00 noon PST on July 3, 1997 and 12:00 noon PST on July 6, 1997, and shall apply only to that area of the city bounded by Pacific Coast Highway on the south, Beach Boulevard on the east, Yorktown on the north and Goldenwest Street on the west.

(c)**(1) Definitions**

- A. "Public place" for purposes of this section, Section 9.44.015, shall mean and include any place or location, whether on private or public property:
 - (i) to which the general public is invited or to which the general public has access;
 - (ii) which abuts any public right-of-way or publicly owned property.
- B. "Public place" for purposes of this section also means any unenclosed ground level private yard, walkway, portion of outside steps, or driveway, where no permanent physical barrier serves to fully restrict access to that area. An open garage which directly abuts a public right-of-way will be considered public for purposes of this section, as will any ground level entranceways immediately in front of a residence, such as a cement slab, provided that it is not fully enclosed by a permanent physical barrier.

- C. "Permanent physical barrier" means a permanent enclosure with a gate or door, over two (2) feet in height, which physically restricts all access, such as a fence with a closed gate, unbroken hedging with a closed gate, walls or like-structures with a means of fully restricting access.
- D. "Lawful occupier" shall mean any person who has a lawful right to be on a premises, such as tenants, owners of property, and invited guests.

(2) Exceptions

"Public place" shall not include any of the following:

- (i) the interior of any privately owned buildings or residences;
- (ii) patios, back or side yards or private vessels which abut a private or public beach, marina, dock or waterway;
- (iii) enclosed back or side yards or patios which do not abut a public street, sidewalk, or alley;
- (iv) decks, balconies, or porches, grass or lawn areas, or garden areas, separated from the abutting public sidewalk, street or alley, by a permanent gated fence or enclosure at least two (2) feet in height, provided that the enclosure or fence, including a gate or gates, fully and completely encloses the area parallel to which the property line abuts the public sidewalk, street or alley, and parallel to the side property lines to a point which connects to the residence or building or connects with a deck, balcony or porch;
- (v) an open area surrounded by a wall or similar structure of five (5) feet in height or greater, with an aperture of four (4) feet or less for foot traffic;
- (vi) balconies or fully elevated porches, separated from the yard area by stairs. (3363-7/97)

9.44.020 Disorderly houses. It is unlawful for any person to keep a riotous house, or permit any riotous or disorderly conduct in any house, yard or premises connected therewith, owned or occupied by such person, or be guilty of any riotous or disorderly conduct in any house, yard or premises whereby the peace, quiet or decency of any person in the neighborhood of such house, may be disturbed. (72-3/11)

9.44.030 Complaints--Previous convictions. Upon the filing of a complaint under this chapter, the person filing same shall ascertain from the police department the number of previous convictions and shall add an allegation to said complaint setting forth the number of convictions. (72-3/11, 508-4/47)